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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,012

Applicant(s)

GUSTAVSSON ET AL.

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,9-20,24-30,33-39,43-45,47-48,50-57,60-65,67-70 are rejected under 35 U.S.C. 102(b) as being unpatentable by Haartsen (5870673).

3. Regarding claim 1 Haartsen teaches a method of wireless communication employing a terminal configured for tuning to either a carrier of a best-effort network or a carrier of a multi-service network, the method comprising (figs. 1,7-9):

registering the terminal (12) with the multi-service network (10)(col.15, lines 26-50);

registering the terminal (12) with the best-effort network (10,24)(col.15, lines 26-50);

tuning the terminal to the best-effort carrier (col.15, lines 26-50, col.) 3, 56-67);

activating a do not disturb function (No operation) associated with the terminal (col.15, line 26-col. 16, line 27); and

de-registering the terminal from the multi-service network in response to the activation of the do not disturb function.

Regarding claims 2,11,27,36,43,50,56,65,69 Haartsen teaches before de-registering the terminal, tuning the terminal to the multi-service carrier; and after de-

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registering the terminal, tuning the terminal to the best-effort carrier (col.15, line 26-col. 16, line 27).

Regarding claims 3,12,17,28,37,44,51,57,67,70 Haartsen teaches disabling the do not disturb function; tuning the terminal to the multi-service carrier in response to the disabling of the do not disturb function; and re-registering the terminal with the multi-service network (col.15, line 26-col. 16, line 27).

Regarding claims 4,13,18,29,38,45,52 Haartsen teaches while the terminal is tuned to the best-efforts carrier and is registered with the multi-service network, periodically tuning the terminal to the multi-service carrier to check for incoming communications from the multi-service network (col.15, line 26-col. 16, line 27).

Regarding claims 5,14,19,30,39,53 Haartsen teaches wherein activating the do not disturb function occurs automatically upon tuning the terminal to the best-effort carrier (col.15, line 26-col. 16, line 27).

Regarding claims 6,15,20,24,33,54 Haartsen teaches after de-registering the terminal, initiating a data communication over the best-effort network (col.15, line 26-col. 16, line 27).

Regarding claims 9,16,26,34,47,55,60-63 Haartsen teaches wherein activating the do not disturb function occurs automatically upon initiating the data communication (col.15, line 26-col. 16, line 27).

Regarding claim 10 Haartsen teaches a method of wireless communication employing a terminal configured for tuning to either a carrier of a best-effort network or a carrier of a multi-service network, the method comprising (figs. 1,7-9):

registering the terminal with the multi-service network (col.15, lines 26-50);
registering the terminal with the best-effort network (col.15, lines 26-50);
tuning the terminal to the best-effort carrier (col.15, lines 26-50, col. 13, 56-67);
activating a do not disturb function associated with the terminal (col.15, line 26-
col. 16, line 27); and

in response to the activation of the do not disturb function, instructing the multi-service network to page the terminal regarding selected incoming communications (col.15, line 26-col. 16, line 27).

Regarding claim 25 Haartsen teaches a terminal for wireless communication, comprising (figs. 1,7-9):

a do not disturb function configured to be activated and de-activated (col.15, lines 26-50);

a transceiver configured to selectively tune to a carrier of a multi-service network or to a carrier of a best-effort network (col.15, lines 26-50); and

a processor configured to: tune the transceiver to the multi-service network, register with the multi-service network, tune the transceiver to the best-effort carrier (col.15, lines 26-50, col. 13, 56-67), register with the best-effort network, and de-registers with the multi-service network when the do not disturb function is activated (col.15, line 26-col. 16, line 27).

Regarding claim 35 Haartsen teaches a wireless communication network, comprising (figs. 1,7-9):

a multi-service network comprising a multi-service carrier (col.15, lines 26-50);

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a best-effort network comprising a best-effort carrier (col.15, lines 26-50); and
a terminal comprising: a do not disturb function configured to be activated and de-activated (col.15, lines 26-50);

a transceiver configured to selectively tune to the multi-service carrier or to the best-efforts carrier (col.15, lines 26-50, col. 13, 56-67); and

a processor configured to: tune the transceiver to the multi-service carrier, register the terminal with the multi-service network (col.15, lines 26-50, col. 13, 56-67), tune the transceiver to the best-effort carrier, register the terminal with the best-effort network, and de-register the terminal from the multi-service network or instruct the multi-service network to page the terminal regarding selected incoming communications when the do not disturb function is activated (col.15, line 26-col. 16, line 27).

Regarding claim 48 Haartsen teaches a terminal for wireless communication, comprising (figs. 1,7-9):

a do not disturb function configured to be activated and de-activated (col.15, lines 26-50);

a transceiver configured to selectively tune to a carrier of a multi-service network or to a carrier of a best-effort network (col.15, lines 26-50); and

a processor configured to: tune the transceiver to the multi-service network, register with the multi-service network, tune the transceiver to the best-effort carrier (col.15, lines 26-50), register the terminal with the best-effort network, and instruct the multi-service network to page the terminal regarding selected incoming

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communications when the do not disturb function is activated (col.15, line 26-col. 16, line 27).

Regarding claim 64 Haartsen teaches a terminal for wireless communication, comprising (figs. 1,7-9):

a do not disturb function configured to be activated and de-activated (col.15, lines 26-50);

a transceiver configured to selectively tune to a carrier of a multi-service network or to a carrier of a best-effort network (col.15, lines 26-50); and

a processor configured to: tune the transceiver to the multi-service network, register with the multi-service network, tune the transceiver to the best-effort carrier (col.15, lines 26-50, col. 13, 56-67), register the terminal with the best-effort network, and instruct the multi-service network to refrain from paging the terminal regarding all incoming communications if the do not disturb function is activated (col.15, line 26-col. 16, line 27).

4. Regarding claim 68 Haartsen teaches a method of wireless communication employing a terminal configured for tuning to either a carrier of a best-effort network or a carrier of a multi-service network, the method comprising (figs. 1,7-9):

registering the terminal with the multi-service network (col.15, lines 26-50);

registering the terminal with the best-effort network (col.15, lines 26-50);

tuning the terminal to the best-effort carrier (col.15, lines 26-50, col. 13, 56-67);

activating a do not disturb function associated with the terminal (col.15, line 26-col. 16, line 27);

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in response to the activation of do not disturb function, instructing the multi-service network to refrain from paging the terminal regarding all incoming communications (col.15, line 26-col. 16, line 27).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7,8,21-23,31,32,40-42,46,49,58 and 59,66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (5870673) and further in view of Ahmad et al (20020082029).

Regarding claims 7,8,21-23,31,32,40-42,46,49,58 and 59,66 Haartsen SMS call delivery can continue to be carried out through the wide area cellular network. Therefore, mobile terminal maintains a dual monitor mode as it continues to be registered with the wide area cellular network for SMS delivery. Outgoing calls from mobile terminal may, optionally, be preferentially routed through private radio communications network to obtain the benefits. Haartsen does not specifically teach wherein the data communication is a packet data communication and the packet data communication includes a voice over IP communication, instructing the multi-service network to forward unselected incoming communications to a voice mail account.

In an analogous art, Ahmad et al teaches wherein the data communication is a packet data communication and the packet data communication includes a voice over IP communication, instructing the multi-service network to forward unselected incoming communications to a voice mail account (page 1, paragraphs # 0010,0022 and 0038). A network controller and a base station controller are formed to define an interface there between them that enables the two systems to facilitate and respond to a voice call that is to be set up to a hybrid mobile station even though the hybrid mobile station is presently engaged in a data only call. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Haartsen base station either pages the mobile station to establish the voice call, forwards the call to voice mail, or forwards the call either to an Internet Call Delivery Server or to an Internet Call-Waiting Server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MARSHA D BANK-HAROLD can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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